

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

TYRONE D. ARDS,

Plaintiff,

v.

TIMOTHY CASIANA,
THEODORE ANDERSON, RANDY SCHNEIDER,
CORRECTIONAL OFFICER THOMPSON,
CORRECTIONAL OFFICER STELLICK,
THEO, JOE REDA, and
JANE/JOHN DOE NURSES 1-3,

Defendants.

ORDER

16-cv-341-jdp

Pro se plaintiff Tyrone D. Ards, a state prisoner currently incarcerated at the Wisconsin Secure Program Facility, is proceeding on Eighth Amendment claims against prison officials at his previous prison, the Columbia Correctional Institution.

Ards has filed a letter requesting that the court sanction defendants for their delay in responding to his discovery requests. Dkt. 27. I will construe Ards's letter as a motion under Federal Rule of Civil Procedure 37. Ards sent his requests for admissions, interrogatories, and production of documents on October 20, 2016. Defendants responded to his requests for admissions on November 18, 2016, but informed him on the same day that they were working on their responses to Ards' other discovery requests. Defendants eventually sent out the remaining items on November 29, 2016. Dkt. 31, ¶¶ 3-5.

I will deny the motion for two reasons. First, defendants' brief delay did not prejudice Ards. Ards indicates in his motion that he made his discovery requests to add the Doe defendants to his complaint. Dkt. 27, at 2. But defendants responded to all of Ards's

discovery requests about a week before Ards filed his amended complaint on December 7, 2016, Dkt. 32. Thus, there was no harm here.

Second, Ards has not established that he conferred with defendants in good faith, as required under Rule 37(a)(1) and (d)(1)(B). He sent a letter asking for the status of the outstanding discovery responses “on or around November 20th, 2016,” Dkt. 27, at 1, but the letter arrived at the office of defendants’ counsel on November 23, 2016, the day before Thanksgiving. Ards then filed this motion on November 28, 2016, the Monday after the Thanksgiving weekend. Ards did not attempt in good faith to confer with the defendants’ counsel to resolve the discovery dispute without court intervention.

ORDER

IT IS ORDERED that plaintiff Tyrone D. Ards’s motion for discovery sanctions, Dkt. 27, is DENIED.

Entered January 4, 2017.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge